



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/783,877

02/20/2004

Gary A. Howard

7172US01

7736

41155

7590

01/03/2011

BRIAN R. WOODWORTH

275 N. FIELD DRIVE

DEPT. NLEG BLDG H-1

LAKE FOREST, IL 60045-2579

EXAMINER

GILLIGAN, CHRISTOPHER L

ART UNIT

PAPER NUMBER

3626

NOTIFICATION DATE

DELIVERY MODE

01/03/2011

ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

BRIAN.WOODWORTH@HOSPIRA.COM

MICHAEL.CRABB@HOSPIRA.COM

HOSPIRA.DOCKET@CARDINAL-IP.COM

# Office Action Summary

## Application No.

10/783,877

## Applicant(s)

HOWARD ET AL.

## Examiner

LUKE GILLIGAN

## Art Unit

3626

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 18 October 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 242-256 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 242-256 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-912)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

***Response to Amendment***

1. In the amendment filed 10/18/10, the following has occurred: claims 1-241 have been canceled and claims 242-256 have been added. Now, claims 242-256 are presented for examination.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 242, 243, 249-254, and 256 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ford, US Patent No. 5,681,285 in view of Larcheveque, US Patent Application Publication No. 2004/0189708.

4. As per claim 242, Ford teaches a medical pump configuration and activity logging system comprising: a remote computer adapted to be in communication via a communication network with a plurality of infusion pumps to be configured for use in a plurality of clinical care areas within a medical facility (see column 6, lines 30-35); a memory associated with the remote computer for storing a drug library including infusion pump configuration information and for storing infusion pump activity log information (see column 6, lines 21-22 and lines 48-51); and a user interface equipped with a display and in communication with the remote computer and the memory so as to allow a user to input user-customized individual entries into the drug library and store a

user-customized active worksheet of infusion pump configuration information in the memory for communication to the plurality of infusion pumps by the remote computer (see column 6, lines 36-42). Ford further teaches that programming errors are prevented (see column 6, lines 57-60). However, Ford does not explicitly teach the memory includes data entry schema rules for validating acceptability in real time of the individual entries while the individual entries are being entered at the input device such that the user is notified instantaneously upon making an invalid entry. Larcheveque teaches a system for validating data entries in which a memory includes data entry schema rules for validating acceptability in real time of the individual entries while the individual entries are being entered at the input device such that the user is notified instantaneously upon making an invalid entry (see paragraph 0040). It would have been obvious to one of ordinary skill in the art at the time of the invention to add this element to the system of Ford because each of the elements were old and well known, they could have been combined utilizing known means, and the combination would have yielded predictable results.

5. As per claim 243, Ford and Larcheveque teaches the system of claim 242 as described above. Ford further teaches the active worksheet is structured to receive user input of configuration information about different types of infusion pumps (see column 6, lines 36-42).

6. As per claim 249, Ford and Larcheveque teaches the system of claim 242 as described above. Ford further teaches the remote computer uses a format for logging activity information from a plurality of infusion pumps of different types and is thereby

able to place the infusion pump activity log information in a single common database within the memory such that a user can run reports on a variety of pump types from the single common database (see column 6, lines 48-52). Ford does not explicitly teach utilizing an abbreviated extensible markup language format. Larcheveque teaches using an abbreviated extensible markup language format for collecting data (see paragraph 0048). It would have been obvious to one of ordinary skill in the art at the time of the invention to add this element to the system of Ford because each of the elements were old and well known, they could have been combined utilizing known means, and the combination would have yielded predictable results.

7. As per claim 250, Ford and Larcheveque teaches the system of claim 242 as described above. Ford further teaches the user interface and active worksheet allow the user to copy a particular drug entry with associated rule sets assigned to a first clinical care area and paste the particular drug entry with associated rule sets into the active worksheet for use in a second clinical care area in order to reduce input requirements and errors (see column 16, lines 23-30).

8. As per claim 251, Ford and Larcheveque teaches the system of claim 242 as described above. Ford does not explicitly teach the data entry schema rules are defined such that real time validation takes place on a keystroke-by-keystroke basis. Larcheveque further teaches the data entry schema rules are defined such that real time validation takes place on a keystroke-by-keystroke basis (see paragraph 0059). It would have been obvious to one of ordinary skill in the art at the time of the invention to

add this element to the system of Ford for the reasons given above with respect to claim 242.

9. As per claim 252, Ford and Larcheveque teaches the system of claim 242 as described above. Ford does not explicitly teach an invalid entry includes an entry that is inconsistent with a predetermined permitted number of spaces. Larcheveque further teaches an invalid entry includes an entry that is inconsistent with a predetermined permitted number of spaces (see paragraph 0105). It would have been obvious to one of ordinary skill in the art at the time of the invention to add this element to the system of Ford for the reasons given above with respect to claim 242.

10. As per claim 253, Ford and Larcheveque teaches the system of claim 242 as described above. Ford further teaches an invalid entry is inconsistent with a related drug library limit already entered (see column 18, lines 44-54).

11. As per claim 254, Ford and Larcheveque teaches the system of claim 242 as described above. Ford further teaches an invalid entry exceeds a display accuracy range available on the infusion pump (see column 15, lines 49-57).

12. As per claim 256, Ford and Larcheveque teaches the system of claim 242 as described above. Ford further teaches the user interface and active worksheet permits a minimum and maximum patient weight to be input for a particular clinical care area (see column 18, lines 5-8).

13. Claims 244-248 and 255 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ford, US Patent No. 5,681,285 in view of Larcheveque, US Patent Application Publication No. 2004/0189708 and further in view of Official Notice.

14. As per claim 244-248, Ford and Larcheveque teaches the system of claim 243 as described above. Ford does not explicitly discuss the various different types of infusion pumps. However, the examiner takes Official Notice that communicating with different types of infusion pumps that include infusion pumps having a common model designation but having differing versions of pump operating software, infusion pumps of made by different manufacturers, infusion pumps having different binary formats, infusion pumps having different processors, and infusion pumps having differing numbers of infusion channels thereon is old and well known in the art. It would have been obvious to one of ordinary skill in the art at the time of the invention to add this type of feature to the system of Ford because each of the elements were old and well known, they could have been combined utilizing known means, and the combination would have yielded predictable results.

15. As per claim 255, Ford and Larcheveque teaches the system of claim 242 as described above. Ford does not explicitly teach at least a portion of the communication network comprises a wireless communication network. However, the examiner takes Official Notice that wireless communication networks were old and well known in the art. It would have been obvious to one of ordinary skill in the art at the time of the invention to add this type of communication network to the system of Ford because each of the

elements were old and well known, they could have been combined utilizing known means, and the combination would have yielded predictable results.

### ***Response to Arguments***

16. In the remarks filed 10/18/10, Applicant argues in substance that all of the previous rejections were moot in view of the cancellation of the previously pending claims and presentation of new claims. The examiner has now addressed the newly presented claims on the merits as detailed above.

### ***Conclusion***

17. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

18. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.



19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LUKE GILLIGAN whose telephone number is (571)272-6770. The examiner can normally be reached on Monday-Thursday and every other Friday.

20. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Morgan can be reached on 571-272-6773. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

21. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/C. Luke Gilligan/  
Primary Examiner, Art Unit 3626